

UNITED STATES COURT OF APPEAL
FOR THE
SECOND CIRCUIT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOMINIC MARINO,

Plaintiff/Appellee,

STIPULATION

v.

HOGANWILLIG, PLLC,

Docket No.: 12-2176

Defendant/Appellant.

It appears that the above-captioned appeal is premature in that some claims remain pending in the district court and no Fed. R. Civ. P. 54(b) certification has issued.

The undersigned counsel for the parties stipulate that the above-captioned appeal is withdrawn with prejudice without costs or fees pursuant to FRAP 42(b). This stipulation shall not preclude an appeal from a final judgment or an otherwise appealable order.

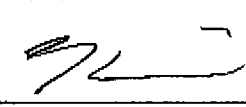
Date: July 23, 2012



Attorney for Appellant

Diane R. Tiveron, Esq.
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Print Name and Firm

Date: July 23, 2012



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